

REMARKS/ARGUMENTS

The Office Action mailed December 9, 2008 has been carefully reviewed and these remarks are responsive to that Office Action. Claims 1-4, 7-11, 13-15, 17, 19, and 21-24 are pending in this application. Claims 5-6, 12, 16, 18, and 20 have been cancelled. Claims 1, 7-8, 11, 13-15, 17, and 19 have been amended, and claims 22-24 are new. No new matter has been introduced. Support for new claims 22-24 may be found on p.3 of the specification, among other places. Reconsideration and allowance of this application are respectfully requested. The Examiner is invited to contact the undersigned should it be deemed helpful to facilitate prosecution of the application.

Claim Objections

Claims 1 and 5 are objected to because of antecedent basis issues related to the use of “AV packets.” The antecedent basis issue has been corrected in claim 1, and claim 5 has been canceled, thus rendering this objection moot. Hence, reconsideration and allowance of claim 1 is respectfully requested.

Rejection under 35 U.S.C. § 101

Claims 13-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 16, 18, and 20 have been cancelled, thus rendering these rejections moot. On p. 2, the Office alleges that the remaining claims “represent an abstract idea of rules that govern how video, audio, and data should be transmitted to a client.” Applicant respectfully traverses the rejection. As stated in the specification, the present invention relates to “methods and systems of supporting transport and playback of signals.” (See specification at p. 1 under the heading “Field of Invention”) Claims 13-15, 17, and 19 are directed both toward the process and system through which video, audio, and data signals are transported in a cable communications architecture. Therefore, they do relate to statutory material. To highlight this point, claims 13-20 have been amended to read as computer-readable medium claims. Hence, reconsideration and allowance of claims 13-15, 17, and 19 is respectfully requested.

Rejection under 35 U.S.C. § 102

Claims 13, 16 and 18 are rejected under 35 U.S.C 102(e) as being anticipated by El-Rafie (U.S. Patent No. 6,968,394), hereinafter referred to as El-Rafie. Claim 13 now recites, *inter alia*, wherein the layers support a baseline architecture, an extended mode 1 architecture, and an extended mode 2 architecture

El-Rafie does not teach at least this feature of claim 13, which was previously dependent claim 20. The satellite system of El-Rafie describes improved features “including multicasting, master and slave cache facilities, roaming, and flexible IP packet routing,” but it does not teach an advanced cable system that can integrate complex extended modes into one system. (See abstract of El-Rafie) On p. 7, the Office cites a combination of El-Rafie, Perlman (U.S. Patent No. 6,813,643) and Chelehma (U.S. Publication No. 2002/0046406) in alleging to teach this feature of claim 13. More specifically, the Office alleges that Perlman discloses a baseline and extended mode 1 architecture while Chelehma discloses an extended mode 2 architecture.

Applicants respectfully traverse. Perlman only describes “a first set of modules for tuning to and decoding a standard multimedia broadcast” and the sharing of a “second tuner 222 and CA module 242 between a DOCSIS modem and a multimedia receiver/decoder channel.” (See Perlman at column 3, ll. 42-43, 46-48) Hence, Perlman discloses selection logic to tune to a particular type of signal stream; it is silent on integrating various extended mode communication protocols with a baseline protocol. Moreover, Chelehma describes “a system for allowing on-demand delivery of data, such as MPEG-2 compressed video data, to a subscriber from a content server.” (See abstract of Chelehma) The cited paragraphs 26-28 of Chelehma describe a transport mechanism using RTP, UDP, and IP layers to allow “MPEG-2 compressed video data stream 86 to be transmitted through the IP managed network 60 with a guaranteed quality of service;” this description of Chelehma is not tantamount to a description of an extended mode architecture within layers of a cable system, as claimed. (See Chelehma at paragraph 28)

None of the references of record (Rakib, Craven, Lu, etc) cure this deficiency, and for at least these reasons, Applicant submits that independent claim 13 distinguishes over the

references of record and is in condition for allowance. Claims 16 and 18 have been cancelled, thus rendering these rejections moot.

Rejection under 35 U.S.C. § 103

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over El-Rafie as applied to claim 13 above, and further in view Craven (U.S. Publication No. 2005/0123001), hereinafter referred to as Craven. Claims 14 and 15 depend from independent claim 13 discussed above, and are in condition for allowance at least due to their dependence on an allowable claim as well as the features they recite.

Claims 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over El-Rafie and Craven as applied to claim 15 above, and further in view Chelehma. Claims 17 and 19 depend from independent claim 13 discussed above, and are in condition for allowance at least due to their dependence on an allowable claim as well as the features they recite.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over El-Rafie as applied to claim 13 above, and further in view Perlman. Claim 20 has been canceled, thus rendering this rejection moot.

Claims 1-3, 5-7, 11-12 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perlman in view of Rakib (U.S. Publication No. 2002/0031120), hereinafter referred to as Rakib. Claim 1 recites, *inter alia*,

a switch configured to simultaneously separate packets associated with the AV only transport from packets associated with the integrated transport;

Perlman or Rakib do not teach at least this feature of claim 1. The Office Action on p. 8 alleges that Perlman teaches this feature of claim 1 and, in doing so, cites col. 2, line 50-col. 3, line 6 of this reference. However, Perlman only describes “a communication channel configured to switch between a first mode in which the communication channel receives and decodes a first multimedia signal using MPEG logic and a second mode in which the communication channel transmits and receives data and/or multimedia content according to Data Over Cable Service

Interface Specification (“DOCSIS”) standard.” (See Perlman at column 2, ll. 51-57) Thus, the switch of Perlman is merely functioning to switch between processing two different types of communication protocols and does not function to “simultaneously separate packets associated with the AV only transport from packets associated with the integrated transport.”

None of the references of record (El-Rafie, Rakib, Craven, Lu, etc) cure this deficiency, and for at least these reasons, Applicant submits that independent claim 1 distinguishes over the references of record and is in condition for allowance. Claims 2-3 depend from independent claim 1 and are in condition for allowance at least due to their dependence on an allowable claim as well as the features they recite.

Independent claim 5 and dependent claims 6 and 12 have been cancelled, thereby rendering these rejections moot. Claims 7 and 11 depend on independent claim 1 discussed above, and are in condition for allowance at least due to their dependence on an allowable claim as well as the features they recite.

Independent claim 21 recites, *inter alia*,

a switch configured to simultaneously route the first transport to a demultiplexer and the second transport to a data processor;

Perlman or Rakib do not teach at least this feature of claim 21. As discussed above for claim 1, Perlman merely describes a switch between processing two different types of communication protocols and hence does not disclose “a switch configured to simultaneously route the first transport to a demultiplexer and the second transport to a data processor.” None of the references of record (El-Rafie, Rakib, Craven, Lu, etc) cure this deficiency, and for at least these reasons, Applicant submits that independent claim 21 distinguishes over the references of record and is in condition for allowance.

Claims 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perlman and Rakib as applied to claim 1 above, and further in view of Chelehmala. Claim 4 depends from independent claim 1 discussed above, and is in condition for allowance at least due to its dependence on an allowable claim as well as the features it recites.

Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perlman and Rakib as applied to claim 1 above, and further in view of Lu (U.S. Publication No. 2004/0179610), hereinafter referred to as Lu. Claims 8-10 depend from independent claim 1 discussed above and are in condition for allowance at least due to their dependence on an allowable claim as well as the features they recite.

New Claims

Claims 22-24 have been added. Support for claims 22-24 can be found on p. 3 of the specification, among other places. Claims 22-24 depend on claim 1 discussed above, and are in condition for allowance at least due to their dependence on an allowable claim as well as the features they recite.

CONCLUSION

It is believed that no fee is required for this submission. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

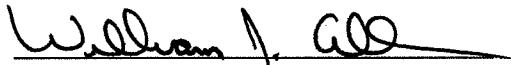
All rejections having been addressed, applicant respectfully submits that this application is in condition for allowance, and respectfully requests issuance of a notice of allowance.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: March 9, 2009

By:


William J. Allen
Registration No. 51,393
10 S. Wacker Dr., Suite 3000
Chicago, IL 60606
Tel: (312) 463-5000
Fax: (312) 463-5001